IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

FIRST APPEAL NO.339 OF 1995.

The State of Maharashtra : Appellants.

versus

Vishnu Tukaram Takate & Anr. : Respondents.

Mr.B.R.Patil, Acting Government Pleader, for the State/Appellants.

Mr.Jeetendra Suchdev i/by Anil Ahuja for the respondents.

CORAM : D.G.DESHPANDE,J.

DATED : 19th APRIL 2005.

ORAL ORDER

1. Heard the learned AGP for the State/appellants and the advocate for the respondents. The State has filed this appeal

challenging the judgment of the Reference Court dated 3rd February 1993 by which the Reference Court awarded Rs.30,000/- per hectare as compensation for bagayat land and Rs.20,000/- per hectare as compensation for jirayat land in place of Rs.21,000/- and Rs.14,000/- respectively as awarded by the Special Land Acquisition Officer.

2. The learned AGP tried to contend that higher rate compensation was awarded by the Reference Court. However, from the judgment it is clear that the Reference Court relied upon two sale instances proved by the claimants dated 20th March 1978 and 19th May 1977. Both these sale instances are of the relevant period, because the date of the notification under Section 4 of the Land Acquisition Act is 30th November 1978. It is an admitted fact that the part of the acquired land was bagayat land. The 7 x 12 extracts in respect of Gat No.338 do show that the crops like sugar-cane was grown. Similarly even, according to the SLAO, the land falls in category III which was the classification made by the SLAO as per the basis of richness and fertility of the soil. The acquired land was having higher rate of assessment because of the richness and fertility

of the soil. There were no reasons not to accept the two sale instances proved on record by the claimants. Therefore, the compensation awarded by the Reference Court does not call for any interference. There is no substance in this appeal. It is dismissed. No order as to costs.

[D.G.DESHPANDE]

19/04/2005 JUDGE.